

## **REMARKS**

### **I. Response to Restriction Requirement**

Applicants hereby elect the invention of Group I, including claims 1-12 and 19-41, for prosecution herein.

The claims directed to the patentably distinct inventions of Group II (including claims 13-18 and 42-58) and Group III (including claims 59-68) have been cancelled per the amendment instructions above. Cancellation of such claims has, however, been effected without prejudice to the applicant's rights under 35 USC §121 to file divisional applications with respect to such subject matter.

### **II. Response to Species Election Requirement**

Applicants hereby elect for further prosecution the following patentably distinct species:

- (1) Antineoplastic Agent: (c) cisplatin
- (2) Administration: (c) injecting into a cavity left by tumor resection
- (3) Immunostimulant: (b) GM-CSF
- (4) Administration Form: (b) cannula or endoscope

The claims which appear to read on the elected species include claims 1-8, 11-12, 19,22, 24-26, 28-29, and 32-41. Claims 1-4, 11, 19, 24-25, 33-34 and 37-41 appear generic to all patentably distinct species. Therefore an action on the merits of claims 1-8, 11-12, 19,22, 24-26, 28-29, and 32-41 is awaited.

### **III. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed

**ROYER**  
Serial No. **10/518,034**  
August 13, 2008

herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /Bryan H. Davidson/            
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
Facsimile: (703) 816-4100